THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2100 OF 2005

Date: 03.11.2005

Between:

The Executive Director, Medak District SC Service Cooperative Society Limited, Sangareddy

…. Appellant

and

The Presiding Officer, Labour Court-II, Hyderabad & another

…. Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2100 OF 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main writ appeal itself is taken up for disposal at the stage of admission.

This writ appeal is directed against the order, dated 19.07.2005, in W.P.No.13431 of 1999. The appellant filed the writ petition assailing the Award, dated 18.02.1999, passed by the first respondent in I.D. No. 51 of 1996, wherein a direction was given to re-instate the second respondent herein into service with continuity of service, but without back wages. Having regard to the fact that the second respondent has completed 240 days of continuous service and that there is violation of the provisions of Section 25(F) of the Industrial Disputes Act ('the Act' for brevity), the learned Single Judge dismissed the writ petition, holding that the Award passed by the Labour Court is just and proper.

The learned counsel for the appellant submits that having regard to the scheme and nature of work and there being no post as such, the question of re-instating the second respondent or applying the provisions of Section 25(F) of the Act does not arise.

Having considered the submissions made on behalf of both the parties and also having perused the material, especially the Award proceedings, it is seen that

the plea of scheme as such is raised for the first time now in the writ petitioner's case. There is absolutely no proper foundation laid in the enquiry before the labour Court. In view of the fact that admittedly the respondent has completed 240 days, Section 25(F) of the Act applies thereof, In an appeal, this Court would not venture to interdict any of the findings, arrived at by the labour Court, in exercise of Jurisdiction under Article 226 of the Constitution of India.

The writ appeal is, therefore, dismissed.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

Dt.03.11.2005

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